

Ref: Ordinance No. 92-2  
ORDINANCE NO. 92-2

AN ORDINANCE OF THE CITY OF ALGONAC TO REGULATE GARAGE SALES IN ORDER TO CONTROL BLIGHT, MAINTAIN PROPERTY VALUES AND PROVIDE FOR PUBLIC WELFARE BY THE LICENSING THEREOF AND TO PROVIDE PENALTIES FOR VIOLATION OF THE REGULATIONS SO PROVIDED BY ADDING A NEW ARTICLE TO CHAPTER 11, LICENSES AND BUSINESS REGULATIONS, WHICH NEW SECTION SHALL BE DESIGNATED AS CHAPTER 11, ARTICLE III, GARAGE SALES AND WHICH SHALL READ AS FOLLOWS:

The City of Algonac Ordains:

### ARTICLE III GARAGE SALES

#### Section 11-30. License required; number permitted.

A license issued by the city clerk, as hereinafter provided, shall be obtained by any person proposing to conduct a garage sale, before selling or offering to sell any tangible personal property at a garage sale. Not more than two (2) such licenses shall be issued to any individual in any one calendar year.

#### Section 11-21 Definitions.

For the purposes of this article, the following terms shall mean:

Garage sale shall mean any sale of tangible personal property of any description whatsoever, which is advertised by any means whereby the public is, or can be made, aware of such, and includes all such sales commonly known as attic, lawn or rummage sales. The term shall not include business or trade sales which are regulated by any other ordinance of the City of Algonac.

Person shall mean any individual person, firm, group, corporation, or other organization.

Tangible personal property shall mean any goods, wares, merchandise or other personal property.

#### Section 11-32. Application for license; conditions.

(a) The city clerk shall grant a license to conduct a garage sale to the applicant therefor, upon receipt of the fee as hereinafter required and upon receipt of an application containing the following:

(1) The name and address of the person conducting the sale.

- (2) The dates during which the proposed sale is to be conducted and the location of the same.
- (3) The nature of the sale, including a general description of the type of tangible personal property proposed to be sold.
- (4) The date, nature and location of any garage sales conducted by the applicant within the preceding twelve (12) months.
- (5) The relationships which applicant has with any other person conducting a garage sale within the preceding twelve (12) months and the date or dates thereof, if known.
- (6) The number and location of any signs which are proposed to be erected advertising such sale, subject to the restrictions hereinafter provided.

(b) No license shall be issued authorizing any person to conduct a garage sale for a period exceeding three (3) consecutive days. The license authorizing such sale shall be displayed in a front window or other prominent place, visible from the street, at each location where a sale is being conducted. No signs advertising a garage sale shall be placed on private or public property without express consent of the owner thereof, and only in compliance with the zoning ordinance. After the conclusion of any garage sale, all such signs shall be removed by the licensee.

#### **Section 11-33 Exception.**

The provisions of this article shall not apply to:

- (1) Persons selling tangible personal property pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons selling tangible personal property in accordance with the exercise of an official public duty or power.
- (3) Persons selling or advertising for sale tangible personal property which is specifically named or described in the advertisement.
- (4) Any such sale conducted by a bona fide charitable, eleemosynary, educational or governmental institution or organization; provided, however, that the burden of establishing entitlement to an exemption under this section shall be on the institution or organization claiming the same.

#### **Section 11-34. Fees.**

The fee which shall be required for a license to conduct a garage sale within the city shall be determined from time to time by resolution of the city council.

#### **Section 11-35. Penalties.**

A violation hereof is a misdemeanor and any person violating any of the provisions of this article shall be subject to the penalties prescribed in chapter 1, section 1-13 of this code.

**Section 11-36. Repealer.**

Any and all other ordinances or parts of ordinances of the City of Algonac which are in conflict herewith are hereby repealed.

**Section 11-37. Severability.**

This ordinance and each section, provision or part thereof are hereby declared to be severable, and should any portion hereof be adjudged invalid or unenforceable by a court of competent jurisdiction, such adjudication shall not affect the remainder of this ordinance.

**Section 11-38. Effective Date.**

This ordinance shall become effective ten (10) days after adoption and publication thereof.

**Section 11-39. Reserved.**

**Adopted: 1-21-92**

**Published: 2-5-92**

**Effective: 2-6-92**

Permit Number \_\_\_\_\_

## **GARAGE SALE PERMIT**

### **CITY OF ALGONAC**

Today's Date \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Sale: From: \_\_\_\_\_ to \_\_\_\_\_

Location of Sale: \_\_\_\_\_

Description of Items to be sold: \_\_\_\_\_

Number of signs to be posted: \_\_\_\_\_

Location of signs to be posted: \_\_\_\_\_

**NO SIGN CAN BE PLACED ON ANY PUBLIC PROPERTY OR RIGHT OF WAY, UTILITY POLES, OR PUBLIC BUILDINGS. NO SIGNS CAN BE PLACED ON ANY PRIVATE PROPERTY WITHOUT THE EXPRESSED PERMISSION OF THE PROPERTY OWNER. SIGNS PLACED IN VIOLATION OF THE NOTED RESTRICTIONS WILL BE REMOVED BY LOCAL AUTHORITIES AND THE VIOLATOR IS SUBJECT TO FINES AS SET FORTH IN THE ORDINANCE.**

\_\_\_\_\_  
Applicants Signature

**PLEASE READ THE ATTACHED ORDINANCE BEFORE YOUR SALE.**

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City of Algonac